

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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KEVIN KING, et al.,

Plaintiffs,

-against-

HABIB BANK LIMITED,

Defendant.
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20-CV-4322 (LGS) (OTW)

ORDER

ONA T. WANG, United States Magistrate Judge:

The Court has reviewed numerous letters concerning Plaintiffs’ motion to compel production of certain documents alleged to be protected from disclosure under bank examination privilege. (See ECF Nos. 115, 118, 121, 122, 123, 124, 125, 126, 127, 128, 129). After several attempts to resolve this issue without Court intervention, Plaintiffs identify four “buckets” of documents still at issue. For the reasons stated on the record at the May 25, 2023, discovery status conference, which was also attended by representatives from the Federal Reserve and the New York Department of Financial Services (collectively, “the Regulators”), Plaintiff’s motion to compel is **DENIED without prejudice**, and the parties are directed to meet and confer and file a joint letter by **June 2, 2023**, as follows:

- (1) A proposed schedule for rolling production by Defendant of an itemized privilege log for categories 4, 6, and 8-11, on the current categorical privilege log. (See ECF 115-1);
- (2) a proposed date for an extension of the deadline to complete fact discovery; and,
- (3) three proposed dates and times for the next in-person status conference.

Defendant is also directed to provide to the Court an unredacted version of ECF 128-1 for *in camera* review. Defendant and the Regulators are permitted to submit **one joint letter of no more than 2 pages** explaining why the redactions are warranted.

The Defendant's motion to seal their letter brief dated May 4, 2023, is **GRANTED**. (ECF 123). The parties' joint motion to seal Plaintiff's letter brief dated May 19, 2023, is **GRANTED**. (ECF 127).

On November 15, 2021, Judge Schofield consolidated cases 20-CV-4322, 21-CV-2351, and 21-CV-6044. (ECF 32). Judge Schofield designated 20-CV-4322 as the lead case and closed cases 21-CV-2351 and 21-CV-6044.

Accordingly, the Clerk of Court is respectfully directed to close the following:

- (1) ECF Nos. 115, 123, and 127 in Docket 20-CV-4322;
- (2) ECF Nos. 50, 54, 56 in Docket 21-CV-2351; and,
- (3) ECF Nos. 41, 45, 47 in Docket 21-CV-6044.

SO ORDERED.

Dated: May 26, 2023
New York, New York

s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge